

EXHIBIT 12

DECLARATION OF THOMAS BIFANO

I, Thomas Bifano, declare as follows:

1. I am the Vice President and Associate Provost *ad interim* for Research at Boston University (“BU” or “Boston University”) in Boston, Massachusetts. I have held this position since July 1, 2024. I am also the Director of Boston University’s Photonics Center, which is a position that I have held since 2006. I have been a professor at Boston University since 1988.

2. As Vice President and Associate Provost *ad interim* for Research, I have personal knowledge of the contents of this declaration, or have knowledge of the matters based on my review of information and records gathered by Boston University personnel, and could testify thereto.

3. Boston University receives significant annual funding from the Department of Energy (“DOE”). In Fiscal Year 2024 (July 1, 2023 – June 30, 2024), Boston University received \$7.4 million in funding from DOE, with \$5.5 million in direct costs and \$1.9 million in facilities and administrative (“F&A”) costs.

4. On May 23, 2024, the U.S. Department of Health and Human Services (“HHS”) executed a Colleges and Universities Rate Agreement with Boston University that detailed, among other things, the F&A rates for Boston University’s grants, contracts and other agreements with the federal government. DOE accepts BU’s negotiated facilities and administration cost rates as established with HHS. This Agreement is in effect through June 30, 2028.

5. The funding Boston University receives from DOE supports critical and cutting-edge research, which millions of Americans benefit from and depend on. For example, Boston University’s DOE-funded research includes:

- i. Research to create more affordable fuel alternatives like green hydrogen, expanding our understanding of energy in our universe.
- ii. Research aimed at better understanding the flow of energy in plasma turbulence, which will help answer questions about solar flares, life on other planets, the history of Mars, and carbon-free fusion energy.
- iii. Research to investigate the interacting effects of climate warming and increased frequency of soil freeze/thaw on ecosystem functioning with a goal of improving the understanding of the effects of warming during the growing season and soil freeze/thaw cycles in winter.
- iv. Research to measure the community effects of offshore wind energy development in the Northeastern U.S.

6. F&A costs are essential for supporting this research. The DOE's proposal to cut F&A cost rates to 15% would end or seriously jeopardize all of the research projects described in paragraph 5.

7. F&A cost reimbursement is critical to Boston University's research resources, as it supports the operation, maintenance, and administration of Boston University's research infrastructure. F&A costs include costs for operation and maintenance of BU's research facilities; utility costs (including heat and electricity); the costs of personnel in support of research in areas such as research compliance, sponsored programs, and post-award financial operations; costs for computing infrastructure; and costs for libraries.

8. Facilities-related costs make up nearly 60% of BU's F&A cost rate, which includes the costs of maintenance and repairs, utilities, and depreciation of the cost of acquisition,

construction, and improvement to BU buildings. The facilities available to researchers have a direct impact on the research that can be done at Boston University.

9. Administrative costs make up approximately 40% of BU's F&A cost rate. These administrative costs include three components: departmental administration, general administration, and sponsored programs administration. These administrative costs include information services, computing, and technology costs related to the support of research. They also include staff who ensure compliance with a vast number of regulatory mandates from agencies such as DOE. These mandates serve many important functions, including ensuring research integrity; maintaining an effective biosafety program and properly managing research involving biohazardous materials; managing and disposing of chemical and radioactive materials used in research; preventing financial conflicts of interest; managing grant funds; complying with export control laws; developing a research security program to address U.S. national security concerns; and providing the high level of cybersecurity, data storage, and computing environments mandated for regulated data.

10. Recovery of Boston University's F&A costs is based on predetermined rates that have been contractually negotiated with the federal government.

11. For Fiscal Year 2024 (and effective through Fiscal Year 2028), Boston University has negotiated different F&A cost recovery rates for different types of grants, which vary from 26% to 63.5%. The treatment of F&A cost reimbursement under our sub-grants is also different than under our prime grants. For Fiscal Year 2024, BU's effective F&A cost rate under all of its DOE grants was 40.4%, reflecting the mix of different types of awards and activities.

12. The impact of a reduction in the F&A cost rate would be significant. Of the \$7.4 million in DOE funding that Boston University received in Fiscal Year 2024 (July 1, 2023 through

June 30, 2024), approximately \$5.5 million was allocated for direct costs, and approximately \$1.9 million for F&A costs. Similarly, in Fiscal Year 2025, Boston University expects to receive approximately \$4.7 million in DOE funding for direct costs, while BU expects to receive approximately \$1.9 million for F&A costs, based on the predetermined F&A cost rates.

13. If—contrary to what Boston University has negotiated with the federal government—the F&A cost rate is reduced to 15%, Boston University’s anticipated F&A cost recovery for its current DOE awards would be reduced by more than \$1.7 million, from more than \$1.8 million to approximately \$171,000.

14. This reduction would have a significant impact on Boston University’s ability to conduct research. BU’s research relies on the maintenance of specialized equipment and facilities. Boston University’s researchers also rely on support from a number of different BU departments to safely, ethically, and effectively conduct their research, including Environmental Health & Safety and Research Security. Boston University’s Environmental Health & Safety enables health, safety and environmental protection in research by providing training and compliance assistance. BU’s Research Security program implements and oversees our research security training and compliance program. Without the appropriate funding for these functions, BU’s research activities will be impacted.

15. Boston University has for decades relied on the payment of F&A costs. Until now, we have been able to rely on the well-established process for negotiating F&A cost rates with the government to inform our budgeting and planning. Operating budgets rely on an estimate of both direct and F&A sponsored funding to plan for annual staffing needs, including direct costs for the personnel directly involved in the research (principal investigators, post-docs, PhD students, and other research staff) as well as F&A costs, such as infrastructure support for IT networks, libraries,

maintenance of research labs and other facilities, as well as regulatory compliance and grant management support, and facility and equipment purchases.

16. Nor can Boston University cover the funding gap itself. While Boston University maintains an endowment, BU cannot use endowment funds to offset shortfalls in F&A cost recovery, for several reasons. First, the support from Boston University's endowment funds only provides approximately 4% to 5% of BU's operating revenue. Moreover, most of Boston University's endowment is restricted to specific donor-restricted purposes, such as student scholarships, faculty positions, and specific initiatives, and BU is legally obligated to use the funds for these purposes. Boston University is not authorized to use these donor-restricted funds to cover its administrative and facilities-related costs.

17. Moreover, absorbing the cost of a lower F&A cost rate, even if it were possible, would create long-term budget pressures on Boston University—which would in turn force reductions in key investments supporting BU's faculty, students, staff, research, and teaching infrastructure, as well as other critical activities needed to maintain Boston University's academic excellence.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14th day of April, 2025, at Boston, Massachusetts.

/s/ Thomas Bifano